In the High Court of Uttaranchal, at Nainital.

Criminal Revision No. 448/2001.
(Old No. 968 of 1986)

Man Mohan Singh S/o Kalyan Singh,

R/o of Mohalla Gurdawara, P.S. Civil Line

Rampur .....Revisionist.

Vs.

State .....Respondent.

HON'BLE IRSHAD HUSSAIN, J.

Herd Sri S.S.Adhikari learned counsel for the revisionist and Sri G.S.Sandhu learned A.G.A. and perused the record.

2. This criminal revision under section 397/402 of the Code of Criminal Procedure has been field against the judgment and order dated 15.3.1986 passed by the Special Judge, Nainital in criminal appeal no. 85/1985 dismissing the appeal of the revisionist which was filed against the judgment and order dated 6-5-19785 passed by the Additional Munsif Magistrate, Haldwani in criminal case no. 1183/1984, convicting the revisionist under section 26 of the Forest Act and sentencing him to pay a fine of Rs. 500/- and in default of payment of find to undergo R.I. for six months. The learned Magistrate also directed the revisionist to pay Rs. 5000/- to the Forest Department as compensation.

3- The learned counsel for the revisionist argued that the revisionist was merely driver of the vehicle in which the timber was being transported from the forest and the he had neither cut the trees nor was responsible for the damage. There can not be any doubt that the revisionist was arrested on the spot with the illegal cut forest wood and the evidence to this effect has been properly appraised by both the courts below. Considering this there is no merit in this revision and the same is liable to be dismissed.

5- The revision is hereby dismissed. The stay order dated 19-2-1987 is vacated.

(Irshad Hussain, J.)

Date 21-4-2004

ISB